

State of Nebraska because of Nebraska's statute of repose, it clearly because of the sale of the product in all fifty states, the benefit was very very, small. And it is important to remember that we are talking about five states out there. These five states total in population about 8 percent of the population of the United States, and 92 percent of the population is not under the ultimate statute of repose. So a manufacturer that is out there selling his products in this country is probably going to be more concerned about 98 percent of the population, than the 8 percent that we are talking about that has the type of legislation we find in this state. And I think you have to understand from the entire gamut all the marketing strategy of a company. When a company is selling that product and they bring it into this country to sell, or they manufacture it in California or New York or Michigan, they are looking at the entire market of this country, not one small state, not one state with a very small population, or even the five states. It's a very small, small segment. So they take this into account when they are manufacturing those products. I would urge the Legislature to adopt the first part of this amendment and advance the bill. Thank you.

PRESIDENT MOUL: Thank you, Senator Abboud. Does anyone else wish to speak to the amendment? Seeing none, do you have closing, Senator Will?

SENATOR WILL: Thank you, Madam President. Just briefly, I think that the amendment has been discussed, discussed thoroughly. I think we are at the point where we are ready to take a vote on it. Again, this is the first division of the Will-Avery amendment. This is the portion of the amendment that, as opposed to the original bill which would outright repeal the statute of repose, this portion of the amendment would retain that ten year statute of repose. There would be a statutory presumption that the useful safe life of a product expires after ten years. However, there would be a window of opportunity that an individual who's injured by a product would be able to use, that individual by a preponderance of the evidence could demonstrate that the useful safe product...useful safe life of a product indeed extends beyond ten years. It would put in a number of conditions that the court would take into account in determining whether that useful safe life does extend beyond ten years, and would allow, if the plaintiff can prove that, then the question becomes was there a defect in the manufacture of the product, in the basic design of the product,